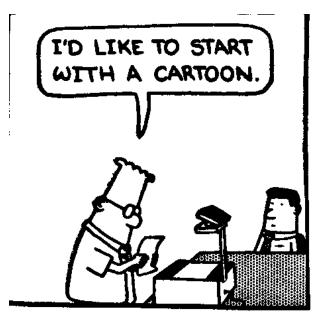
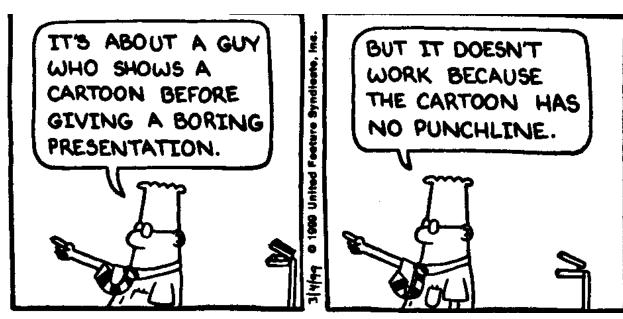




PERS-4832 ENLISTED SEPARATIONS BRANCH

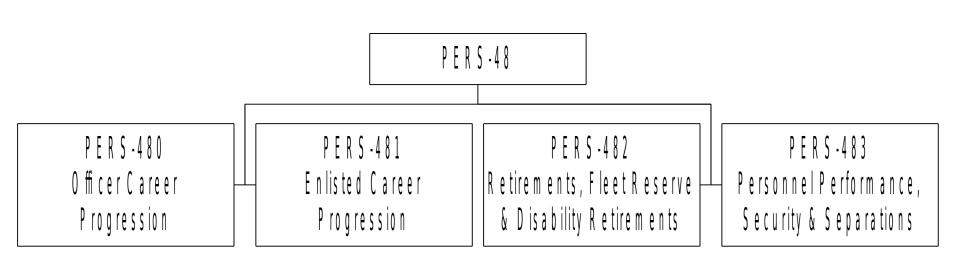






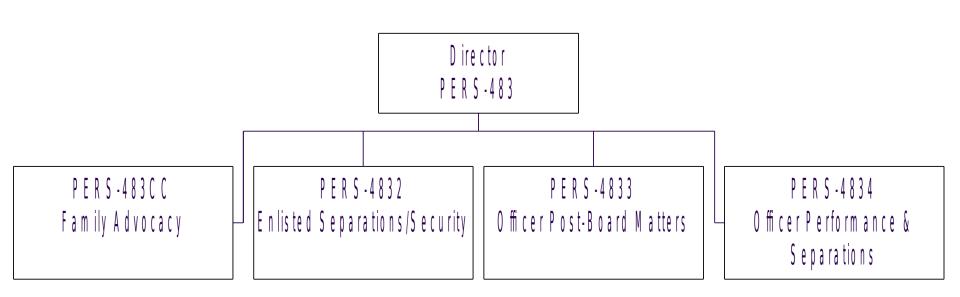


PERS-48 Personnel Progression, Performance and Security Department





PERS-483 Personnel, Performance, Security and Separations





What is Administrative Separation?

- Voluntary: mutual agreement; not a right
- Involuntary: Military equivalent of being fired
 - Does not constitute punishment
- Purpose of Administrative Separation:
 - Maintain Standards
 - Encourage Honorable Service
 - Protect Rights of Individual
 - Balance accession/training costs *vs.* cost of retaining



Types of Administrative Separations

NON-ADVERSE

- Involuntary Discharge for "Favorable" Reasons
 - » Personality Disorder, Parenthood, Physical or Mental Conditions
- Voluntary Discharge
 - » Pregnancy, Hardship, Alien

ADVERSE

- Involuntary Discharge for "Unfavorable" Reasons
 - » Misconduct, Drug Abuse, Alcohol Rehab Failure, In Lieu of Court-Martial (Voluntary), Fraudulent Enlistment, Homosexual Conduct



Two Basic Procedures

- Notification Procedures (paperwork only; no hearing)
 - When Offense Warrants a General
 - Sailors Over 6 Years Always Have a Right to a Board
 - Sailors Less Than 6 Years Have a Right to GCMCA Review (flag officer)
- Admin Board Procedures (formal hearing)
 - Required for all Mandatory Reasons (except alcohol rehab failure)
 - When Offense Warrants an OTH



Non-Adverse Reasons For Processing

- Convenience of the Government (COG) -Pregnancy/Childbirth or Parenthood
- COG Physical/Mental Conditions or Personality Disorder
- COG Being an Alien
- Separation by Reason of Defective Enlistments and Inductions - Minority Status, Erroneous Enlistment, Defective Enlistment
- COG Hardship (PERS-40HH)



- Misconduct
 - Serious Offense
 - Civilian Conviction
 - Pattern of Misconduct
 - Minor Disciplinary Infractions
 - Entry Level Performance and Conduct
 - Unsatisfactory Performance
- Fraudulent Enlistment
- Drug Abuse
- Homosexual Conduct



- Drug or Alcohol Abuse Rehab Failure
- FAP Rehab Failure
- Supremacist or Extremist Conduct
- BIOTS (not always adverse, may be voluntary/involuntary)



Mandatory Processing

(MPM 1910-233)

- Homosexual Conduct (statement, act, marriage)
- Serious Offense (aggravating factors 1, 2 or 3)
- Civilian Conviction (aggravating factors 1 or 2)
- Drug Abuse
- Participation in Extremist or Supremacist Activity
- FAP Rehab Failure (BIOTS)
- Alcohol Rehab Failure (notification procedures)
- When CNPC directs ADSEP processing

Aggravating Circumstances

- (1) Violent misconduct which resulted in, or had the potential to result in death or serious bodily injury.
- (2) Deviant sexual behavior.
- (3) Sexual Harassment if:

Threats or Rewards to influence career OR Unwanted physical contact



Physical Fitness Assessment

(OPNAVINST 6110.1F)

- No longer ADSEP basis (MPM 1910-170 has been canceled)
- Consequences:
 - One/Two failures: no ADSEP consequence; results of all PFA failures during reporting period shall be documented in "comments on performance" on eval/fitrep
 - Three failures within four year period: no longer recommended for promotion or retention
 - Promotion/Advancement: CO free to recommend promotion, advancement, frocking, or redesignation; but not required
- Enlisted will continue to EAOS



Counseling and Rehabilitation Page 13's

(MPM 1910-204)

- Tool to correct behavior
 - Formal documentation
 - Gets Sailor's attention
 - "Quasi-Contract between Navy and Individual"
 - If you take corrective action, we will let you stay
 - Binding on Navy during remainder of enlistment
- Gives "another chance"
- Do not use excessively



Counseling and Rehabilitation Page 13's (MPM 1910-204)

- Required if Processing For:
 - COG Parenthood
 - COG Personality Disorder
 - COG Physical or Mental Conditions
 - Entry Level Performance and Conduct
 - Unsatisfactory Performance
 - Misconduct Pattern of Misconduct
 - Misconduct Minor Disciplinary Infractions



Fraudulent Enlistment

(MPM 1910-134)

- Fraud vs. Erroneous
- Fraudulent (Sailor lied...intent by member to defraud...acted in bad faith)
- Usually detected by PERS-4831
- Waiver Request
 - CO forwards to GCMCA or PERS-4832 for decision
 - Command forwards completed package to PERS-4832 for inclusion in permanent record



Minor Disciplinary Infractions

(MPM 1910-138)

- A Series of at Least Three, But Not More Than Eight Minor Violations of the UCMJ
- No Violations Could Result in a Punitive Discharge
- Offenses Documented in Service Record
- Occurred During Current Enlistment
- Disciplined by One NJP
- And violated a Page 13



Pattern of Misconduct

(MPM 1910-140)

- 2 punishments under UCMJ (NJP/courtmartial) ...or
- 2 or more civil convictions...or
- 1 NJP and 1 civil conviction...or
- 3 UA's (> 3 days; < 30 days)...or
- Failure to support dependents (a pattern)...or
- **■** Failure to pay debts (a pattern)...
- And violated a Page 13



- What is a serious offense?
 - Violation of punitive article of UCMJ
 - Civilian or Military offense
- May be separated if:
 - Offense warrants separation
 - Punitive discharge is maximum punishment per Appendix 12 MCM
- Can go straight to adsep...no mast or Court Martial required
- Can use notification procedures if OTH not warranted
- Some cases require mandatory processing and an admin board must be offered



Civilian Conviction

(MPM 1910-144)

- May be separated if:
 - Civilian Conviction or equivalent (deferred prosecution)
 - Misconduct is a serious offense or member receives six months or more confinement
- All civil convictions (federal, state, local) but not foreign court convictions
 - <u>Conviction is binding</u>: board only makes recommendation on retention/separation and characterization of discharge
 - Foreign court conviction allows processing but not discharge
- Can use notification procedures if OTH not warranted
- Some cases require mandatory processing and an admin board must be offered



Drug Abuse (MPM 1910-146)

- Offenses include: use/possession/paraphernalia/trafficking
- Based on urinalysis, admission, eye witness, or other proof
- Mandatory Processing
- Civilian or Military Jurisdiction
- Normally Admin Board Procedures
 - OTH in most cases
 - Notification procedures for command directed urinalysis (one *not* based on probable cause or random in nature)



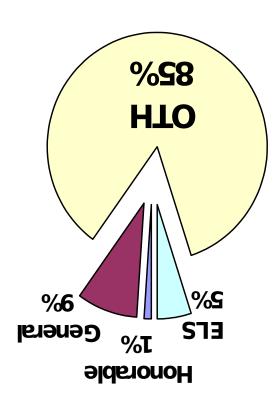
FY02 Drug Separations "Zero Tolerance"

■ EF

HTO

■ General

■ Honorable





Typical Drug Detection Windows*

THC (Marijuana) 3 - 5 days

Cocaine 2 - 4 days

Amphetamines 2 days

Barbiturates 1 - 2 days

Opiates/LSD 1 - 2 days

PCP 5 - 7 days

Steroids 3 days or longer

^{*} will vary with amount and duration of use



Homosexual Conduct

(MPM 1910-148)

- "Prior to Any Questioning, Members Suspected of Homosexual Conduct Should Be Advised of the DOD Policy on Homosexual Conduct and Apprised of their UCMJ, Article 31b Rights, if applicable."
- Mandatory Processing based on <u>credible</u> information
 - Opinion, rumor, association activity not enough
- Forward evidence used by board
- Characterization based on service record review unless aggravating factors present:
 - Use of force minor subordinate in



Homosexual Conduct

(MPM 1910-148)

- Wording on Notice of Administrative Board Procedure <u>Must Be Verbatim</u> (Statement, Act, Marriage)
- "Homosexual conduct as evidenced by:
 - (<u>Statement</u>) "Member's statement that he or she is a homosexual or bisexual, or words to that effect, which creates a rebutable presumption that he or she engages in, has a propensity to engage in, or intends to engage in homosexual acts (<u>and</u>....)"
 - (<u>Act</u>) "Member engaging in, attempting to engage in, or soliciting another to engage in a homosexual act or acts

Guidance on Investigations cerning homosexual conduct

- If homosexual conduct is alleged and CO sees as credible:
 - Must consult with GCMCA SJA before proceeding
 - If not available, seek advice from Navy trial service office or Navy Personnel Command
 - Document the consultation
- If homosexual statement is made and CO suspects it was made to avoid a service obligation:
 - Must receive permission to investigate from ASN (M&RA)
 - Send request via PERS-48
 - ASN definition: "a substantial inquiry . . . is an inquiry that extends beyond questioning the member who made the statement and/or a third party who reports that a member made a statement, individuals suggested by the member for interview, and the member's immediate supervisory chain of command."



Alcohol Rehab Failure

(MPM 1910-152)

MANDATORY PROCESSING

- Inability or refusal to participate in treatment
- Subsequent incident/failure of aftercare
 - discreditable involvement w/civil authorities
 - public/domestic disturbance
- PERS-4832 can grant waiver
- Characterization based on service record review



Entry Level Performance and Conduct

(MPM 1910-154)

- Within First 180 Days of Continuous Active Duty
- Unqualified for Further Naval Service
 - Incapability
 - Lack of Reasonable Effort
 - Failure to Adapt to the Naval Environment
 - Minor Disciplinary Infractions
- And violated a Page 13



Unsatisfactory Performance

(MPM 1910-156)

One or More Enlisted Evaluations with 1.0 Marks for Any Performance Trait

And violated a Page 13



Unsat Participation in the Ready Reserve

(MILPERSMAN 1910-158)

- May be separated if:
 - at least 9 unexcused absences from scheduled training in a 12 month period
 - fail to:
 - » complete required annual training
 - » comply with involuntary recall to active duty
 - » report for a physical examination
 - » keep CO advised of pertinent mobilization information
 - » respond to official documentation, or
 - » complete Basic Training Equivalency or Non-Prior Service Accession Course within required time frame
- Can use notification procedures if OTH not warranted
- PERS-913 POC: DSN 882-4503

- Substantiated incident or misconduct resulting from participation in supremacist or extremist activities
- Processed Under Misconduct Commission of Serious Offense or Best Interest of the Service (BIOTS)
 - usually will involve one or more UCMJ violations
- Call PERS-4832 for Advice Before Proceeding



FAP Rehabilitation Failure

(MPM 1910-162)

- PERS-483CC (DSN 882-3729) is the Case Manager for all child sexual abuse cases. Handles all FAP Flags
- Report <u>all</u> suspected child sexual abuse cases to NCIS, local FAR, and PERS-483CC
- Keep NCIS/local investigators "working the case." Keep PERS-483CC informed
- Child molesters not normally retained and are processed under commission of a serious offense (MPM 1910-142)
- Changing instruction to give CO's more voice in processing and may treat intra/extrafamilial 1752.2A



Best Interest of the Service(BIOTS)

MPM 1910-164)

- Normal reasons for adsep don't fit
 - 6 cases in FY03
 - Not a means to override due process
- SECNAV approves
- Not entitled to a board, notification procedure is used with modifications
- Must call PERS-4832 for advice before proceeding

Administrative Boards: Findings and Recommendations

- Board Makes Three Decisions:
 - Is basis for separation supported by evidence of record ("Did he/she do it?")
 - » Binding on the Navy*
 - Retention/separation/suspended separation
 - » Only a recommendation to separation authority
 - Characterization
 - » Recommendation (Honorable, General, OTH)
 - » Can be upgraded on review; but not downgraded

SPCMCA

- Notification Procedures Used**
- Admin Board recommends General or Honorable
- In Lieu of Trial by Court-Martial (UA > 30 days)

GCMCA

- Admin Board recommends OTH or retention
- In Lieu of Trial by Court-Martial

** Member can request flag officer review

BUPERS/SECNAV

- Optional for "hard" or "sensitive" cases (NPC)
- Homosexual Conduct (NPC)
- Over 18 years of service (CNP)
- Misconduct due to Court-Martial Conviction; no punitive discharge; OTH characterization (SECNAV)
- BIOTS (SECNAV)
- Board finds *misconduct*, recommends separation, command wants to *retain* (CNP)
- Board finds basis, recommends retention, command wants to <u>separate</u> (SECNAV)



Characterization of Discharge

(MPM 1910-300)

- Command Responsibility (NAVADMIN 140/96)
- Temptation to take the "Easy Way Out"...giving a General when offense warrants an OTH
- Based on Service Record Review
 - generally based on total performance
 - however, can be based on single adverse incident
 - not just a "number crunch" of evaluation marks



Fleet Reserve Eligibility

(MPM 1910-166)

Active Duty

- Normally don't adsep over 20 years -- may request transfer to Fleet Reserve.
- If over 30 years -- may request transfer to the Retired List
- SECNAV has discretion to transfer in reduced paygrade
- Command endorsement mandatory
- Refusal: process for administrative separation
 - board makes recommendation on retirement pay grade
- Inactive Duty (PERS-913)
 - > 20 years TIS, < 60 years age -- may request



Detachment for Cause

(MPM 1616-010)

- E-7 E-9's, Enlisted cases no longer decided by BUPERS
 - First Flag officer in chain of command
- Very strong administrative measure
 - Single event or extended period; substandard behavior or performance
 - Not to be used in lieu of disciplinary action or adsep
 - *Not* a bar to retention or reenlistment



Reenlistment Denial

(MPM 1616-030)

- Additional tool
- If member objects to CO's decision not to reenlist, member can go to PERS-4832 for review
 - Forward denial with members response
 - Must provide adequate documentation



Summary

- Adsep is the logical conclusion of an incompatible situation
- Adseps can be adverse or non-adverse actions
- Some Adseps are voluntary
- Some Adseps are mandatory
- Many involve subjective reasoning, CO's judgment
 - Seriousness of offense and affect on command
 - Member's potential
 - Current environment
- Is not punishment; uses preponderance of evidence



References

- http://bupers.navy.mil
- NAVADMIN 108/96: Self-Referral for Drug Abuse Rehabilitation
- NAVADMIN 140/96: Enlisted Administrative Separations
- NAVADMIN 193/96: Family Advocacy Program
- NAVADMIN 253/96: Disestablishment of Petty Officer Quality Control Review Board
- NAVADMIN 030/99: Navy Vaccination Program
- OPNAVINST 5350.4C: Drug/Alcohol Abuse



Personnel Progression, Performance & Security Perture (PERS 48) POS'S

DSN: 882-XXXX

- **ACNP for Personnel Progression, Performance & Security**
 - (PERS-48): 901-874-3264, p8@persnet.navy.mil
 - Director, Personnel Performance & Security
 Division
 - (PERS-483): 901-874-4426, p83@persnet. navy.mil
 - Attorney
 - (PERS-06L6): 901-874-3160,
 p06L6@persnet.navy.mil



Enlisted Separations Branch (PERS-4832) POC'S

DSN: 882-XXXX

Branch Head

- (PERS-4832): 901-874-4433, p832@persnet.navy.mil

Deputy Branch Head

- (PERS-4832B): 901-874-4427, p832B@persnet.navy.mil

Enlisted Separations Section Head

- (PERS-4832D): 901-874-4432, p832D@persnet.navy.mil

Family Advocacy Matters

- (PERS-483CC): 901-874-3729, p83CC@persnet.navy.mil



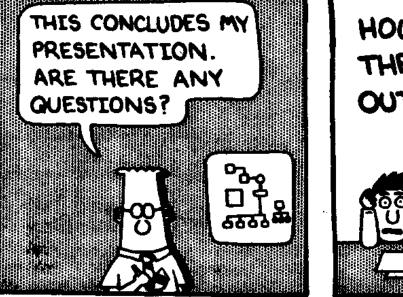
Officer Performance and Separations Rranch (PERS-4834) POC's

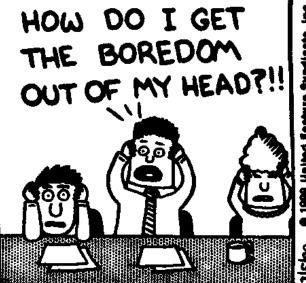
DSN: 882-XXXX

- Branch Head
 - (PERS-4834) 901-874-4424, p834@persnet.navy.mil
- Officer Performance Section
 - (PERS-4834C) 901-874-4418, p834C@persnet.navy.mil
- <u>Unfavorable Officer Separations Section</u>
 - (PERS-4834D) 901-874-4420, p834D@persnet.navy.mil
- **Favorable Officer Separations Section**
 - (PERS-4834A) 901-874-3197, p834A@persnet.navy.mil



The End!





THE FUNNY THING
IS THAT I'LL LIST
THIS ON MY ANNUAL
ACCOMPLISHMENTS.

AIR!
I NEED
AIR!!!